MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

PIL0014 – INTRODUCTION TO LAW

(Foundation of Management)

15 OCTOBER 2019
9.00 a.m. – 11.00 a.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **7** pages excluding the cover page.
2. Answer **ALL THIRTY-TWO (32)** questions in Sections A, B and C. The distribution of marks for each question is given.
3. Please write all your answers in the Answer Booklet provided.

SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. Private law or civil law governs the relationship between private individuals and organisations.

2. Article 50(1) of the Federal Constitution provides that Yang Di-Pertuan Agong (YDPA) acts on ministerial advice from the Prime Minister except for certain matters such as appointment of a Prime Minister.

3. Important legislations which cover the exercise of jurisdiction of the courts are Federal Constitution, Court of Judicature Act 1964 and Subordinate Courts Act 1948.

4. A child under the age of eighteen shall be accompanied by parents or guardians during trial in the Court for Children. However, the trial is open to public according to the Child Act 2001.

5. A public company, Vege Sayur Berhad was unhappy with the decision made in favour of their former employee by the Industrial Court. They may challenge such decision in Court of Appeal.

6. Natural law is universal and it is enforced by institutions such as the police and judiciary.

7. Judicial review is the power of the courts to review a law or an official act of a government.

8. The supervisory jurisdiction of Session Court towards Magistrate Court is not limited. The former may give necessary orders to the latter if the decisions is improper or illegal.

9. According to Section 18(5) of the Industrial Relations Act 1967, Industrial Relations Department may conduct conciliation in assisting the parties to find a solution to the dispute.

10. In enforcing the judgement under Small Claims Procedure, a notice will be served to the defendant if he fails to comply with the judgement. A Warrant of Arrest will be issued by the Magistrate if the defendant fails to appear in court as ordered.

11. A plaintiff in a civil case must produce evidence beyond a reasonable doubt in order to succeed in his claim for compensation.

12. Mohd Curry Puff, a Muslim, committed an offence within the jurisdiction of Subordinate Syariah Courts. His punishment under the Court is limited to a maximum fine of not exceeding RM2,000 or imprisonment for a term of one year or both.

13. The developer of Taman Muffin Coco failed to complete a housing project according to the contract agreed with their purchaser. Thus, an action for late delivery may be filed in House Buyers Claim Tribunal.

Continued...

14. In *Adat Temenggung*, matrimonial property is divided into Harta Pembawa, Harta Dapatan and Harta Kutipan.

15. Tan Sri Fish Chip may initiate his civil case with a writ.

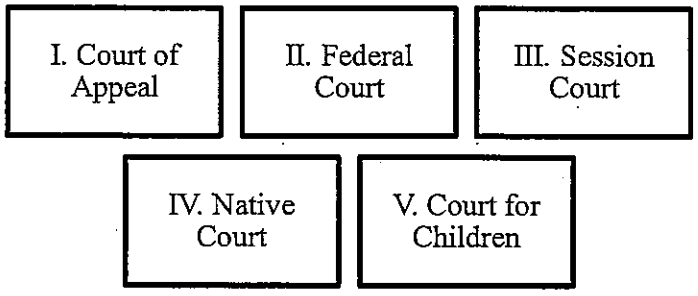
SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. The Doctrine of Stare Decisis is also known as _____.
    A. Doctrine of Separate Legal Entity
    B. Doctrine of Binding Judicial Precedent
    C. Doctrine of Separation of Powers
    D. Doctrine of Legal Power

I.	It relies on the government for its power.
II.	Even though it is not made by people, it has moral power regardless of whether a government recognised it and makes it into positive law or not.
III.	It is an unwritten law.
IV.	It is enforced by the institutions such as the police and judiciary.

Table 1

17. All of the following statements in *Table 1* describe natural law, **EXCEPT**:
    A. I and II only
    B. II and III only
    C. III and IV only
    D. I and IV only



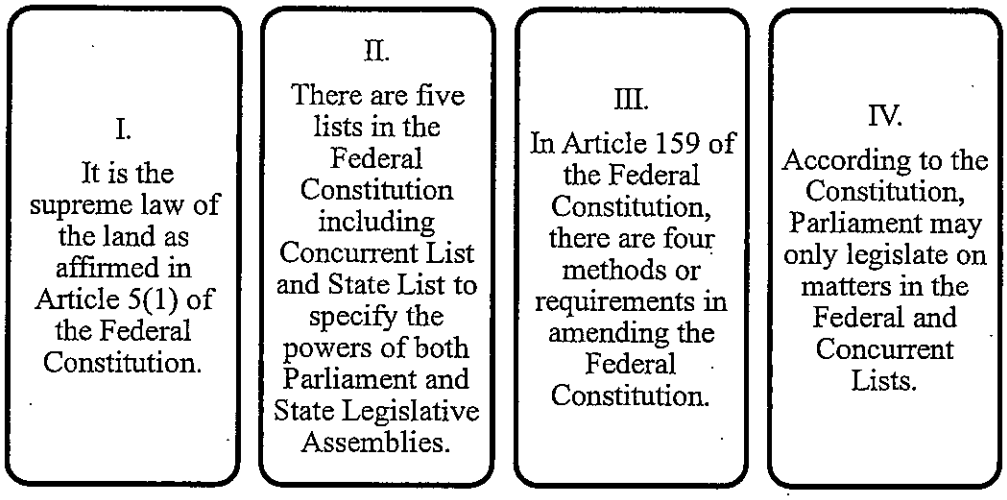
Picture 1

18. Based on *Picture 1*, which of the following are subordinate courts?
    A. I, II and III only
    B. II, III and IV only
    C. III, IV and V only
    D. All of the above

Continued...

19. Which of the following provisions in the Industrial Relations Act 1967 grants the power to the Industrial Court to settle and hear complaints of unfair labour practices?
    A. Section 8 of the Industrial Relations Act 1967
    B. Section 7 of the Industrial Relations Act 1967
    C. Section 6 of the Industrial Relations Act 1967
    D. Section 5 of the Industrial Relations Act 1967

20. Professor H.L.A Hart argues that law is a system of rules, classified into primary and secondary rules. The rules stated below are secondary rules, **EXCEPT**:
    A. Rule of Arbitration
    B. Rule of Change
    C. Rule of Adjudication
    D. Rule of Recognition


I.
It is the supreme law of the land as affirmed in Article 5(1) of the Federal Constitution.
II.
There are five lists in the Federal Constitution including Concurrent List and State List to specify the powers of both Parliament and State Legislative Assemblies.
III.
In Article 159 of the Federal Constitution, there are four methods or requirements in amending the Federal Constitution.
IV.
According to the Constitution, Parliament may only legislate on matters in the Federal and Concurrent Lists.

Picture 2

21. By referring to *Picture 2*, which of the following are **CORRECT** statements on Federal Constitution?
    A. I, II and III only
    B. I, II and IV only
    C. I, III and IV only
    D. II, III and IV only

22. Mr. Dunkin Donut wants to sue for recovery of debts amounting to RM25,000. He may initiate his action in _____.
    A. Magistrate Court
    B. Small Claims Court
    C. Court for Children
    D. Industrial Court

Continued...

23. In the proceeding under the House Buyers Claim Tribunal, all of the following documents are required to be provided by the claimant, **EXCEPT**:
    A. Sale and Purchase Agreement
    B. Four Copies of Form 198
    C. Letter of Vacant Possession
    D. Certificate of Fitness Occupation

24. An action for breach of contract must be initiated by the innocent party within six years after the breach occurred. Such regulation is an example of _____.
    A. Substantive Law
    B. International Law
    C. Procedural Law
    D. Criminal Law

I.	Committee Stage
II.	Second Reading
III.	First Reading
IV.	Pre-Parliamentary Stage
V.	Third Reading

Table 2

25. Referring to *Table 2,* which of the following is **CORRECT** to explain the process of making law which is also known as legislative process in Malaysia?

A.	III	II	V	I	IV
B.	IV	I	III	II	V
C.	III	II	V	I	IV
D.	IV	III	II	I	V

26. Datin Paddle Pop wants to claim for her unpaid commission of RM4,599 from one of her clients. The amount is within the jurisdiction of the Small Claims Court. In order for her to file for an action in Small Claims Court, she needs to _____.
    A. file in a petition in High Court immediately within three years of the claim accruing, failure of doing so will result in immediate termination of such action.
    B. obtain the acquiescence of her client in writing for such claim to be heard in the Magistrate Court.
    C. go to the Magistrate Court's registration office, fill in Form 198 in four copies and indicate the amount to be claimed with her signature as the plaintiff who initiate the action.
    D. serve Form 1 & Form 2 to the defendant, which is her client, personally or by prepaid registered post within 5 working days.

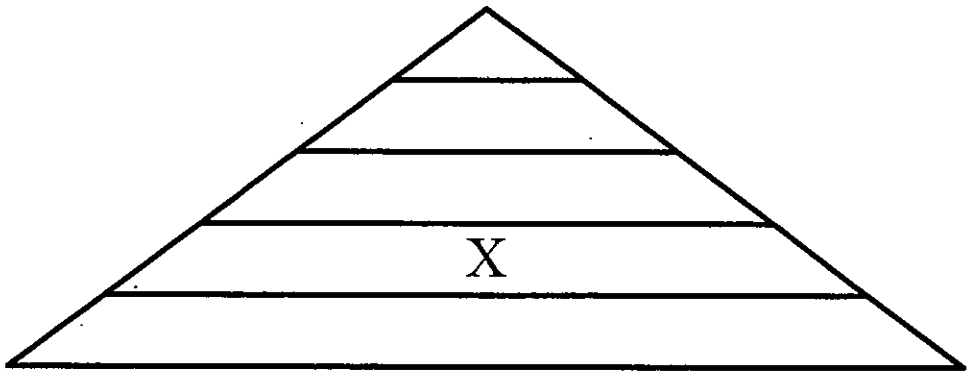
Continued...

27. Which of the following situation does not fall under public law?
    A. Mr. Salmon Grill was charged with first-degree murder for killing his wife and children. His case was tried in High Court Shah Alam.
    B. Choco Lava breached his contract with Cheesecake Enterprise amounting to RM10,000.
    C. Almond Hazel was caught for selling ecstasy to underage students.
    D. Cornflakes Honey applied for a position as a government servant at Ministry of Education. His application was rejected because of his religion.

I.	Substantive Limits
II.	Periodical Limits
III.	Procedural Limits
IV.	Aggravated Limits

Table 3

28. According to the case of *Ah Thian v Government of Malaysia (1976)*, the supremacy of Parliament is not applicable in Malaysia due to some limitations. Which of the following are the types of limitation imposed on Parliament's power?
    A. I and II only
    B. I and III only
    C. II and III only
    D. I and IV only



Picture 3

29. *Picture 3* above illustrates the hierarchy of the civil courts in Malaysia. All of the following statements describe **X** as part of the court system, **EXCEPT**:
    A. It was established under Section 9 of the Courts of Judicature Act 1964.
    B. Such court is presided by one judge only.
    C. It has both original and supervisory jurisdictions.
    D. The value of the subject matter to be tried in such court for civil cases must not exceed RM250,000.

Continued...

I.	It is made within 30 days of the date on which the award was made.
II.	Referring to a question of law.
III.	It is made within 14 days from the date on which the award was made.
IV.	It is referred to the Court of Appeal.

Table 4

30. Mocha Grande Berhad wants to challenge the decision and awards made by the Industrial Court in favour of their probation employees. However, such challenge can only be taken on certain conditions. Based on *Table 4*, the conditions are _____.

A. I and II only.
B. II and III only.
C. III and IV only.
D. I and IV only.

SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. The sources of law in Malaysia are divided into written and unwritten law. Explain the different types of legislation available in Malaysia as part of the written law.

(20 marks)

32. Our judicial system consists of civil courts and special tribunals with different jurisdictions and compositions. Explain the following:

    i. Original jurisdiction of High Court

    (10 marks)

    ii. Limitation of Consumer Claim Tribunal in exercising its jurisdiction

    (10 marks)

[Total: 100 marks]

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